



Entered on Docket
October 13, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,¹
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,²
USA SECURITIES, LLC,³
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIRST OMNIBUS
OBJECTION OF USACM TRUST TO
PROOFS OF CLAIM BASED UPON
INVESTMENT IN BAR USA LOAN**

Hearing Date: October 5, 2009
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “First Omnibus Objection of USACM Trust to
2 Proofs of Claim Based Upon Investment in BarUSA Loan”, [Docket No. 7340] (the
3 “Objection”); with appropriate notice of the Objection having been given; no response to
4 the Objection having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED:**

- 6 1. The Objection is sustained; and
7 2. The claims listed on **Exhibit A** based upon a Direct lender investment
8 in the BarUSA loan are disallowed in their entirety.

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11 By /s/ Marvin Ruth (#10979)
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ Marvin Ruth (#10979)
 Rob Charles
 John Hinderaker (*pro hac vice*)
 Marvin Ruth
Attorneys for USACM Liquidating Trust

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the BarUSA/\$15,300,000 Loan
10725-00610	Acosta, Celso	9061 Black Elk Ave Las Vegas, NV 89143-1180	26,554.58	26,554.58
10725-01373	ACS Nevada Inc	7990 Castle Pines Ave Las Vegas, NV 89113-1207	15,000.00	15,000.00
10725-01110	Alderson Ira, Harvey	4941 Harris Ave Las Vegas, NV 89110-2448	30,000.00	30,000.00
10725-00529	Bathish, Joseph	800 Ocean Dr 1102 Juno Beach, FL 33408	100,000.00	100,000.00
10725-01849	Broadwalk Investments Limited Partnership	C/O James R Bonfiglio 8635 W Sahara Las Vegas, NV 89117-5858	100,000.00	100,000.00
10725-01343	Bruce Living Trust Dtd 9/27/01	C/O Don & Kim Bruce Tees 1761 Montelena Ct Carson City, NV 89703-8375	25,381.95	25,381.95
10725-02101	Bruggemans, Paul	385 West Tahquitz Canyon Way Palm Springs, CA 92262	100,000.00	100,000.00
10725-00989	Chai Miller Llc	Po Box 81191 Las Vegas, NV 89180-1191	559,927.00	559,927.00
10725-02457	Donnolo Family Trust Dated 8/24/88	C/O Joseph & Loretta Donnolo 3120 Highland Falls Dr Las Vegas, NV 89134-7422	100,000.00	100,000.00
10728-00054	Goforth, Phillip Darin & Francesca M	13301 Silver Peak Pl NE Albuquerque, NM 87111-8264	50,000.00	50,000.00

EXHIBIT A